IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.Rev.Pet.No. 835 of 2007()

CMP.4181/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TALIPARAMBA

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REVN. PETITIONER: COMPLAINANT

P.KUNHAPPA NAMBIAR,
S/O.KELAPPAN NAMBIAR, AGED 77 YEARS,
KADANNAPPALLY AMSOM, CHERUCHERI DESOM,
KANNUR DT.

BY ADV. SRI.B.PREMNATH (E)

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 835 of 2007

Dated this the 26th day of February, 2007

ORDER

The revision petitioner, who is the complainant in C.M.P. No. 4181/2006, has sought for setting aside the Annexure 1 order dismissing the private complaint filed alleging offence under section 420 of the Indian Penal Code. The court below dismissed the complaint observing that it is a civil matter.

2. As contended by the counsel for the revision petitioner I find that the ingredients of section 420 IPC has been specifically pleaded in the complaint. Evidently, a prima facie case is made out. In the circumstances, the order of the court below is set aside. The court below is directed to take cognizance of the matter and proceed to issue summons to the accused and dispose of the case on merits untrammeled by any observations contained herein.

The Crl. R.P is allowed accordingly.

RV K.R.UDAYABHANU,JUDGE.